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CA. 562/98

For hearing
ORDER DT.19.11.2003.

Learned counsel for the applicant seeks two weeks further time for getting instruction in the matter. In consideration of the prayer of the applicant, the matter be listed after two weeks i.e. on 5.12.2003 for final hearing.

DS
9.12.03 Bench
Member(Judicial)

ORDER DATED 10-12-2003.

Applicant, claiming to be a casual employee under the Respondents/Telecom department, has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985; wherein he has prayed for a direction to the Respondents to regularise his services with effect from the date when his counter-parts have been regularised and to grant him all monetary and consequential benefits flowing from the order of regularisation. By filing a counter-affidavit, the Respondents/Telecom department have disclosed that the Applicant was in engagement under the Respondents as Casual Mazdoor; but since he absconded, the question of his regularisation did not arise. It has also been disclosed by them that as there was ban for engagement of casual mazdoors, after 30.3.1985; the Applicant, even though reported to duty by disclosing the reason of his absent, was not allowed to resume duty. The Applicant has also filed

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a rejoinder in this case.

2. Heard learned counsel for both the parties. During the course of argument, it has been brought to my notice, at the bar, that the Respondents/ Telecom department are now taking steps to regularise few left-out casual labourers. It has also been brought to my notice that, out of 1437 casual labourers identified, only 455 casual labourers are going to be regularised; for which their bio-datas were called for in letter dated 15.10.2003. In the changed circumstances, it has been submitted by the learned counsel for the Applicant that if a direction is given to the Respondents to consider the case of the Applicant (in view of the admission made, by the Respondents in their counter that the Applicant had performed his duties as Casual Mazdoor/labourer for some time) then the case of the Applicant can be considered for such regularisation.

3. In the above view of the matter, this original Application is disposed of with a direction to the Respondents to consider the case of the Applicant for regularisation while considering the cases of other casual labourers as expeditiously as possible. Liberty is hereby given to the Applicant to file an exhaustive representation to the Respondents by enclosing his bio-data. There shall be no order as to costs. Send copies of this order to all the parties.

Member (Judicial)

Free copies of
final order
dt 10.12.03
issued to the
parties.

De
29/12/03 S-05